

TOWN OF MILFORD

NEW HAMPSHIRE



SUBDIVISION REGULATIONS

NOVEMBER 6, 1990, AMENDED JULY 28, 1992

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DEVELOPMENT REGULATIONS

Upon those occasions that the Planning Board deem that unique and unusual circumstances are such that a hardship is created, the Board may waive the requirements contained in Articles 3-10 inclusive.

SUBDIVISION REGULATIONS

1.010 PURPOSE

Provide for the safe, attractive and harmonious development of land so as to insure the health, safety and welfare of the residents of the Town of Milford. Provide against such scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services. In addition, provide for open spaces of adequate proportions and suitably located streets of sufficient width to accommodate existing and proposed traffic.

1.020 AUTHORITY

Pursuant to the authority vested in the Milford Planning Board by the voters of the Town of Milford and in accordance with provisions of Chapter 674 of the New Hampshire Revised Statutes Annotated, 1985, or as may be amended, the Milford Planning Board adopts the following regulations governing the subdivision of land in the Town of Milford, New Hampshire.

1.030 JURISDICTION

1.031 This Regulation shall pertain to all land within the Boundaries of the Town of Milford.

1.032 This Regulation shall be in effect from the time of its adoption by the vote of a majority of the Planning Board present and voting.

1.033 In any case where a provision of the Ordinance is found to be in conflict with a provision of any other Ordinance, regulation, code or covenant in effect in the Town of Milford or with any State statute with particular reference to NH RSA Chapter 674 and the relevant sections therein, the provision which is the more restrictive, shall prevail.

1.040 SEVERABILITY

The invalidity of any section, sub-section, paragraph, sentence, clause, phrase or word of this Regulation shall not be held to invalidate any other section, sub-section, paragraph, sentence, clause, phrase or word of this Regulation.

1.050 AMENDMENTS

These regulations may be amended or rescinded by the Planning Board but only following public hearing on the proposed change. The Chairman or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Town Clerk, to the Board of Selectmen and to the Registry of Deeds of Hillsborough County. All amendments shall take effect upon transmittal to the Town Clerk.

ARTICLE II GENERAL REGULATIONS

The Planning Board of the Town of Milford, hereinafter called the Board, shall administer these Regulations.

ADMINISTRATIVE REGULATIONS

2.011 Whenever any subdivision is proposed to be made and before any contract for the sale of, or offer to sell, such subdivision or any part thereof shall have been negotiated, and before any application for a permit for the erection of a structure thereon shall be made, the owner thereof or his agent, shall apply in writing to the Planning Board of the Town of Milford on application forms provided by the Board for approval of such subdivision as to be shown on the plat.

2.020 PRELIMINARY AND DESIGN REVIEW

2.021 Prior to the formal acceptance of a submitted site plan application for review by the Planning Board, the Board may hold discussion with the applicant or his agents and may hear and confer with other parties whose interest may be affected by the proposed layout. The Board may discuss the proposal in conceptual form only and in general terms with the Owner or his agent.

A more detail review of a proposed subdivision can be made at the design review phase. More specific design and engineering details may be discussed at this stage. However, abutters to the project must be notified prior to the meeting.

The applicant may elect to forego both the preliminary and design review stage of the

planning process when, projects minor in nature are proposed.

2.022 Five copies of the proposed layout as described in Article III shall be filed with the Milford Planning Board fifteen days prior to the meeting.

- A. The Board will then review the preliminary plan for completeness so as to determine if sufficient information is provided in the application to invoke jurisdiction for approval/disapproval. That information necessary to constitute a completed application is outlined in Article III of this Regulation.
- B. The Board may also review the basic concept of the proposal and provide suggestions, which might be of assistance in resolving problems with meeting requirements during formal consideration.

2.023 After such discussion the Board shall communicate in writing to the developer the specific changes, if any, which it will require in the preliminary plan as a prerequisite to the subsequent acceptance and approval/disapproval of the plan.

2.030 ACCEPTANCE OF APPLICATION FOR REVIEW

2.031 The applicant, after official notification by the Board with respect to the preliminary plan and the changes, if any, to be made therein, shall within six (6) months thereafter file the completed application with the Board for formal acceptance of such.

- A. The applicant shall file the completed application with the Board or its agent at least fifteen (15) days prior to the meeting at which the application will be accepted.
- B. The application shall include the names and addresses of the applicant and all abutters as indicated in town records.

2.032 At a properly noticed hearing, the Board shall vote to accept the completed application for review and thereafter shall communicate to the applicant in writing that such action has been tabled by the Board.

2.040 REVIEW OF ACCEPTED APPLICATION

2.041 The Planning Board shall place on its agenda for consideration any subdivision submitted to it within thirty (30) days of the submittal of a completed application and shall act to approve or disapprove thereof within ninety (90) days. The final determination as to the completeness of the application and acceptance thereof, shall only be made at a notified public hearing.

2.042 The Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the plan. The applicant may waive the requirement for Planning Board action and consent to an extension as may be

mutually agreeable.

2.050 PUBLIC SERVICES REVIEW AND IMPACT STATEMENT

2.051 MAJOR PLAN REVIEW:

In the course of a Planning Board review of a proposal the Board may require the applicant to provide an environmental and public service impact statement. The impact statement shall include a statement of:

- A. The extent to which the proposed development will impact on each of the public services and facilities available in the Town.
- B. The extent to which such public services and facilities may need to be expanded or made necessary because of the proposed development.

The extent to which the proposed subdivision will impact generally on the resources, public services and facilities of the Town.

2.052 REFERRAL TO TOWN AGENCIES AND BOARDS:

The Planning Board may refer the environmental and public service impact statement submitted by the developer to any boards, agencies or other administrative or policy making bodies for their evaluation of the extent to which the proposed development will have an impact, adverse or otherwise, on the Town. The Planning Board may request that said boards, agencies or other bodies indicate the extent to which the Town's public services and facilities can accommodate the demands created by the proposed project in terms of the present capabilities of the Town and the realistic and planned projections of future increases in said capabilities. In this regard reference may be made to the Master Plan, Capital Improvement Budget or other documents or plans that are operative or under study in the Town at the time that this study is being undertaken.

2.053 REVIEW OF FINDINGS BY BOARDS AND IMPACT STATEMENT:

The Planning Board, prior to the granting of any approval with respect to a development application wherein such an impact study has been requested, shall hold a hearing on the information gathered in accordance with this section. The Planning Board, in accordance with said hearing, may deny any application for development approval in which it is determined that the proposed development, if approved, would result in danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, fire protection or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.

2.054 PHASING:

Additionally the Board may, in lieu of denial, grant conditional approval or require that the development construction takes place over a period of years, in stages, in order to minimize the impact on the Town and the extent to which the proposal will result in the excessive expenditure referred to above.

2.055 PREMATURE DEVELOPMENT:

In the event the Planning Board determines that a proposed development is sufficiently scattered or premature to entitle the Planning Board to deny the development approval or limit the approval in some way, based on the foregoing, then the Planning Board shall indicate to the applicant in writing the reasons for its denial or the reasons for the limitations imposed and the information upon which the Planning Board is basing its findings.

2.056 ALTERNATIVES:

Nothing in the foregoing shall preclude the Planning Board and the applicant from coming to some compromise with respect to the problems that are addressed in regard to this section so long as the Planning Board finds that the proposal is consistent with the overall objectives of the Master Plan, Capital Improvements Plan or other documents by which it is required to be guided.

2.057 IMPACT STUDIES BORNE BY APPLICANT:

It is understood that as a condition of the continuance of the subdivision review process, the Planning Board may, when it deems appropriate in its discretion, require an applicant to provide to the Board a public service review and impact statement, the purpose of which shall be to determine the extent to which the proposed development or facility will impact on the public services and facilities available to the Town as well as the extent to which the proposed development or facility will require the construction of off-site improvements to roads, drainage, sewers, water and the infrastructure generally. In addition to requiring such a statement the Planning Board may undertake its own investigation to determine the aforementioned and, in that regard, may pass the cost of such investigation on to the applicant when it deems appropriate and necessary (7/9/91)

2.058 OFF-SITE IMPROVEMENTS:

As a condition of approval of the subdivision plan, the Planning Board may require that before any permit for the construction or occupancy of a proposal is granted, that the applicant and the Town enter into an off-site improvement(s) agreement in which the timetable for and the manner of payment of the cost of such improvement(s) have been addressed. In such regard, the Planning Board may impose the entire cost of such improvement(s) on the applicant/developer if it determines that it is the appropriate fair share to be borne by said

applicant for said improvement. In other cases the Planning Board shall conduct an Inquiry to determine the appropriate fair share of the cost of such improvements to be paid by said applicant/developer and said off-site agreement shall, reflect the same. It is understood that in the event that any portion of the off-site improvement(s) fair share required to be paid by the applicant/developer represents a public improvement project that is not contemplated to be constructed currently with the applicant's proposal that the off-site improvement agreement shall contain language determining the method of payment and the manner in which the funds will be held and applied to the project as the Town determines.

It is understood that the scope of review and the extent of the infrastructure to be considered in this section shall not be limited only to roads, water and sewer facilities servicing the proposed development but shall include other municipal services that will need to be provided to the inhabitants of the proposed development and municipal services that will benefit inhabitants, occupants or users of the proposed development. (7/9/91)

2.059 NOTICE OF DISAPPROVAL

If the Board shall vote to disapprove, the owner or his authorized agent shall be notified in writing and the specific cause of disapproval shall be noted. (7/9/91)

2.060 PUBLIC HEARING/ABUTTER NOTIFICATION

2.061 No subdivision shall be accepted, approved or disapproved by the Planning Board without affording a public hearing thereon.

2.062 The abutters and the applicant shall be notified of said hearing by certified mail, return receipt requested, mailed at least (10) days prior to the hearing.

2.063 The notice shall include the time, place and a general description of the proposal and shall identify the applicant and the location of the proposal.

2.064 Notice to the general public shall also be given at the same time by posting said notice in the Office of the Board of Selectmen and the Planning Board within the Town of Milford.

2.070 APPLICATION FEES

Subdivision fees shall be set by the Milford Planning Board after due notice and public hearing. (4/13/88)

2.080 OFFERS OF CESSION

The subdivider shall tender offers of cession in a form certified as satisfactory by the corporation counsel of all land included by him, but approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open space.

2.090 PENALTIES

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of, a plat of a subdivision, before such plat has been approved by the Planning Board and recorded or filed in the office of the appropriate Registrar of Deeds shall forfeit and pay a penalty of one hundred (\$100) dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its solicitor or other official designated by its counsel may enjoin such transfer or sale or agreement and may recover the said penalty by civil action.

2.095 Tax Lien Disclosure

No subdivision shall be finally signed until the Planning Board is provided with confirmation, in writing, from the Office of the Assessor and the Tax Collector that all tax liens (other than those that apply to April 1 of the tax year in which the subdivision is being approved) have been paid and cleared. (7/28/92)

ARTICLE III SUBMISSION REQUIREMENTS FOR MINOR PROPOSAL

The following regulations and specifications shall apply to:

3.010 LOT LINE ADJUSTMENT/MINOR SUBDIVISIONS

3.011 To qualify as a LOT LINE ADJUSTMENT, a proposal shall not constitute the creation of a new lot(s), these provisions shall be limited only to the exchange or transfer of land between existing, adjacent lots. These provisions shall not apply to any exchange, which shall cause the creation of any substandard lot as per the Town of Milford Zoning Ordinance, save those cases where a variance has been granted for such.

3.012 To qualify as a MINOR SUBDIVISION a proposal shall not constitute the creation of more than two new lots in addition to an existing lot from which the subdivision is made. The Board may require additional information as deemed necessary in certain situations and is not limited to only those submission requirements listed in this Article. Additionally, the Board may require a major subdivision plan be prepared should the proposal significantly impact the

concerns herein contained.

3.020 INFORMATION REQUIRED FOR ALL MINOR PROPOSALS

3.021 A fully executed and signed copy of the application for Subdivision Review.

3.022 A written statement describing the proposed use in sufficient detail to determine compliance with the provisions of Development Review Regulations and the Town Ordinances and Regulations in effect.

3.023 Five (5) copies of a plan or plat drawn at a scale sufficient to allow review of the following items:

1. Name, address and signature of applicant and authorization of owner if different from applicant.
2. Name, address and signature of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan.
4. Current zoning classification of property, and location of district boundaries if located in two or more zones.
5. Property boundary lines and distances of such plotted to scale.
6. North arrow, scale and date.
7. Names and addresses of all current abutting property owners.
8. The location of all building setbacks required by the Zoning Ordinance by use of dashed lines and labeled "Minimum Building Setback Line".
9. The lot area of the parcel, street frontage and the zoning requirements for minimum lot size and minimum street frontage.
10. Sketch map showing general location of the site within the Town.
11. Copies of all existing or proposed deed restrictions, covenants or rights-of-way, etc. applying to the property.
12. All existing buildings, parking and driveways by the use of solid lines.
13. The proposed addition by the use of dotted lines.
14. Driveways and flow of traffic entering and exiting.
15. All existing services such as sewer and water.
16. Location, size and character of all signs and exterior lighting.

17. Provisions for storage and removal of rubbish.
18. Storage Tanks
19. Complies with Soil Based Subdivision Regulations

3.024 The Planning Board may require Fireward approval, and/or Traffic Safety Committee approval, and/or Health Officer approval be obtained.

**3.030 ADDITIONAL REQUIREMENTS LOT LINE ADJUSTMENTS/MIN OR
SUBDIVISIONS (7/28/92)**

1. All lot lines shall be shown with dimensions, and interior angles to the street and alley lines. All lot sizes shall be indicated in square feet and ditto marks shall not be used for lot dimensions.
2. All block and lots shall be numbered in a consecutive manner with no omissions or duplications. In addition, the notation of the plan shall contain a list of the map and lot numbers of the parent tract(s) as identified in the Town of Milford assessing records. Also, if the subdivision is a re-subdivision or a consolidation and re-subdivision of another subdivided tract, the final plan shall contain the map and lot numbers of all applicable subdivisions that are being superseded as well as the subdivision that is being proposed.
3. When the Planning Board feels it is necessary, the plan shall be certified by a duly registered and licensed civil engineer that all of the aforementioned regulations in this section have been adhered to and conforms to all the applicable Town regulations and those of the State of New Hampshire.
4. The seal of a licensed engineer or land surveyor shall be affixed to the plan attesting that the Final Plan is substantially correct and which certifies that all bounds have been set and that the survey will close within one foot/ten thousand (1'/10,000').
5. All plans presented for final approval shall contain a depiction on the plan by dotted lines of the Lot Lines of the parent tract(s) as identified in the Note section of the plan.
6. The names of all abutters and their map/lot number shall be noted on the plan.

ARTICLE IV SUBMISSION REQUIREMENTS

**4.010 FORMATION REQUIRED FOR ACCEPTANCE AND
APPROVAL OF ALL MAJOR PROPOSALS**

4.011 A fully executed and signed copy of the application for Subdivision Review.

4.012 A written statement describing the proposed use in sufficient detail to determine compliance with the provision of Development Review Regulations and the Town Ordinances and Regulations in effect.

4.013 The submission requirements listed in this paragraph should be included in both the preliminary and final review of all development proposals:

Five (5) copies of a plan drawn at a scale sufficient to allow review of the items listed under the following requirements, but at not more than fifty feet (50') to the inch for Major Site Plan Review and one hundred feet (100') to the inch for Subdivision Review.

1. Name, address and signature of applicant and authorization of owner if different from applicant.
2. Name, address and signature of owner(s) of record, if different from applicant.
3. Name and address of person or firm preparing the plan.
4. Current zoning classification of property, and location of district boundaries if located in two or more zones.
5. Property boundary lines plotted to scale. Distances and angles should also be shown. In addition, all plans presented for final approval shall contain a depiction on the plan by dotted lines of the lot lines of the parent tract(s) as identified in the note section of the plan. (7/28/92)
6. North arrow, scale and date.
7. Names and addresses of all current abutting property owners.
8. The location of all building setbacks required by the Zoning Ordinance by use of dashed lines and labeled "Minimum Building Setback Line".
9. The lot area of the parcel, street frontage and the zoning requirements for minimum lot size and minimum street frontage.
10. Sketch map showing general location of the site within the Town.

11. DEVELOPMENT

A. The location of all existing and proposed buildings (including size and height), driveways and proposed grades*, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, railroad lines, service areas, rock ledges and other essential features. *12/22/87

B. The location of all existing buildings within fifty feet (50') of the parcel to be

developed and the location of intersecting roads or driveways within two hundred feet (200') of the parcel.

C. Access to roads and locations (7/28/92)

- 1) Location of all points of access to Town roads and State Highways.
- 2) In order to insure proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official street map, the Planning Board may require that rights-of-ways to adjacent land areas be provided. (7/28/92)

D. A utility plan showing provisions for: (See also Sec.5.070 – Utilities)

- 1) Water supply;
- 2) Wastewater disposal including the size and location of all piping, holding tanks, leach field, etc.;
- 3) Location, size, grade and invert elevations of sanitary, storm and/or combined sewers;
- 4) Location and size of water mains including location of fire hydrant and valves;
- 5) Location of gas lines, storage tanks and utility poles;
- 6) *A layout indicating how the site will be served by electric, telephone and any other public utility must be provided. If the utility company(s) require an easement to provide service, no final approval shall be granted by the Planning Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application. *12/22/87

E. Location, size and character of all signs and exterior lighting.

F. Provisions for storage and removal of rubbish.

12. THE EXACT LAYOUT OF THE PROPOSAL SHOWING:

A. Street and alley centerlines and right-of-way lines (including the right-of-way and locations of adjacent streets and other public property within at least one hundred (100) feet of the subdivision shall be graphically shown); street right-of-way lines, street names, bearing, and distances along centerlines.

B. Sufficient linear, angular and curve data (at least Delta, Radius and Length of Curve) to readily determine the bearing and length of the boundary lines of every block, lot and tract, which is a part of the subdivision.

C. Street and sidewalk, bikeway cross-sections, profiles and engineering specifications, paved area, bridges and/or culverts as required.

D. All lot lines with dimensions, and interior angles to street and alley lines. All lot sizes in square feet. Ditto marks shall not be used for lot dimensions.

E. All block and lots shall be numbered in a consecutive manner with no omissions or duplications. In addition, the note section shall contain a list of the map and lot numbers of the parent tract(s) as identified in the Town of Milford assessing records. Also, if the subdivision is a re-subdivision or a consolidation and re-subdivision of another subdivided tract, the final plan shall contain the map and lot numbers of all applicable subdivisions that are being superseded as well as the subdivision that is being proposed. (7/28/92)

13. NATURAL FEATURES

A. Soil types and locations of soil boundaries as certified by the Hillsborough County Soil Conservation Service may be requested by the Planning Board.

B. Existing and proposed topography of the site at a five (5) foot contour interval or two (2) foot contour intervals if major changes to the existing topography are being proposed.

14. HIGH INTENSITY SOIL SURVEY (Board Discretion) SOIL BASED SUBDIVISION REQUIREMENTS

For those projects for which wetland identification is necessary and/or an on-site septic tank and leach field system are to be used for sewerage disposal, the Board may require that a high intensity soil survey be performed in conformance with Section 9.010 of this Regulation.

15. STORM WATER DRAINAGE

A storm water drainage plan showing:

A. The direction of flow of the run-off through the use of arrows.

B. The location, elevation, and size of all catchbasins, dry wells, drainage ditches, swales, retention basins, and. storm sewers.

C. Engineering calculations used to determine drainage requirements based upon a *25 year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed. *12/22/87

16. FLOOD HAZARD INFORMATION

Flood Hazard information shall be provided in conformance with the requirements of Article VIII of this Regulation.

17. EROSION CONTROL PLAN

A soil erosion and sedimentation control plan shall be provided in conformance with requirements set forth in Article IX of this Regulation. (12/22/87)

18. Other elements integral to the proposed development considered necessary by the Board.

19. EASEMENTS, DEED RESTRICTIONS, DEDICATIONS, COVENANTS

A. Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public ways so laid out, the submitted layout shall show the boundaries of proposed permanent easements over or under private property. Easements shall not be less than fifteen feet (15') in width and shall have satisfactory access to existing or proposed public ways or as determined by the Board.

B. Any existing or proposed easements shall be shown by a fine dashed line and clearly labeled and identified on the plan. If the easement is being dedicated by the plan, it shall be properly set out in the owner's certificate of dedication. If an easement shown on the plan is already of record, its recorded reference must be given.

C. The accurate outline of all property which is offered for dedication for public use, with the purpose indicated thereon, and of all property that may be reserved by deed restrictions or protective covenant in the deed for the common use of the property owners in the subdivision. Tracts offered for dedication, other than for streets or easements should be designated by letter or number.

D. Copies of deed restrictions or protective covenants for each definitely restricted section shall be submitted to the Board and boundaries of such shall be accurately presented on the submitted plan.

20. SEAL AND CERTIFICATION

A. The seal of a duly registered land surveyor and the seal of a duly registered and licensed civil engineer in the State of New Hampshire.

B. A certification by a duly registered and licensed civil engineer that all of the aforementioned regulations in this section have been adhered to and conform to all applicable regulations existing in the Town of Milford and the State of New Hampshire.

21. Soil Based Subdivision Requirements (See article XII)

4.014 FINAL PLAN

A request for final approval of a plat or plan shall be accompanied by a Final Plan of such proposal legibly and clearly drawn as follows:

- A. Size of sheets shall not measure more than 22" x 34".
- B. A final plan shall show all items required in the preliminary layout.
- C. Scale: Subdivisions scale of one hundred (100) feet to the inch.
- D. Copies - two mylar and five dark line to be submitted.
- E. The seal of a licensed engineer or certification by a land surveyor attesting that such Final Plan is substantially correct and certifies all bounds are set shall be included on the plan. The surveyor shall certify that the survey will close within one foot / ten thousand (1'/10,000').

4.015 ADDITIONAL APPROVALS

Copies of all applicable State approvals and permits:

- A. Approval of the New Hampshire Water Supply and Pollution Control Commission of any proposed septic system(s) or additions to buildings on a septic system.
- B. Approval of the New Hampshire Special Board and/or the Zoning Board of Adjustment for the relocation, filling, dredging or re-channeling of any natural or manmade drainage area, river, stream, pond, wet area, etc.
- C. Approval of the New Hampshire Department of Public Works and Highways or Milford Department of Public Works for any required driveway permits or curb cuts.
- D. Before final approval of the site plan, written approval of the Traffic Safety Committee, the Firewards, the Milford Department of Public Works, the Superintendent of Schools and the Health Officer must be received in writing if that approval is required by the Planning Board.
- E. Utility clearance letter or statement (See Sec. 5.070).

4.016 COMPLETION ASSURANCES

- A. An Irrevocable Letter of Credit issued by a bank authorized to do business in New Hampshire, complying with the Town of Milford Financial Management Policy shall be filed with the Town in a form and in amounts satisfactory to the Town, sufficient to cover the cost of construction; or (7/28/92)
- B. A cash or savings bank book properly endorsed to the Town of Milford in an amount to be determined by said Town of Milford but in any event not to be less than the cost of constructing said streets, public improvements and drainage structures.
- C. In any event, there shall be filed upon completion of improvements and approval by the Town of Milford a surety or cash bond covering the cost of maintaining said roads and improvements for a period of one (1) year from completion thereof and acceptance by said Town of Milford, said amount to be approved by the Town of Milford.
- D. Completion assurances shall be submitted to the Town prior to the construction of any road, utility work, public improvement or to obtaining a building permit on a new road; (7/28/92).
- E. Failure to maintain proper completion assurances shall result in the denial of a Certificate of Occupancy and the revocation of all building permits outstanding for the subdivision. This does not pertain to any lots within the subdivision that have received a Certificate of Occupancy. (7/28/92)

4.017 MISCELLANEOUS

- A. The approval of a Final Plan shall be attested on the original, a second mylar and five (5) copies by the signature of a majority of the members of the Board.
- B. The original mylar of the Final Plan shall be retained by the Board. One hardline copy shall be delivered to the subdivider and the four (4) remaining copies shall be retained by the Board. The original mylar shall be delivered by the Board or its authorized agent to the Hillsborough County Registry of Deeds. The recording fee for said plat shall be given to the Board at the time of the signing of the Final Plan. The second mylar shall be submitted by the Planning Board to the Office of the Assessor of the Town.
- C. Upon completion of all construction of road and utilities on the premises shown on said Final Plan and prior to acceptance of said roads and utilities by the Town of Milford, the applicant shall submit to the Planning Board an "As-built" Final Plan showing the actual location and position of said roads and utilities. All approvals by the Planning Board shall be conditional upon receipt of said "As-built" Final Plan.

ARTICLE V GENERAL REGULATIONS

5.010 BOUNDS:

Are to be set using the following as minimum requirements:

- A. 1" x 24" iron rod or 4" x 4" x 24" granite marker set to a depth of 18", or depth and/or markers as approved in detail by the Board.
- B. Prior to the release of the completion assurance a certified plan shall be submitted noting that all lot corner bounds have been set. If the location and type of bound noted on the approved plan has not changed, then a certified stamped letter from the surveyor attesting that all bounds have been set for the subdivision will be acceptable; (7/28/92)
- C. Included on or attached to the surveyed plan(s) shall be a plan of the property being subdivided drawn to the same scale as the applicable Tax Map. (7/28/92)

5.020 OPEN SPACE/PARKS

Before approval the Board may, in proper cases, require the plat to show a park or parks suitably located for playground or other recreational purposes. The Board may, by appropriate endorsement on the plat, require that no building be erected upon such park or parks without its approval. Areas set aside for parks or playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed,, whether required or not required by the Board, shall be of reasonable size and character for neighborhood playground or other recreational uses.

5.030 SANITARY SYSTEMS

5.031 In areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field). Such information shall consist of the report of the health officer regarding seepage and other tests he may report as required. The subdivider or his agent shall be required to provide the necessary equipment and labor for the making of these tests.

5.032 The subdivider or his agent shall certify on the Final Plan that the test-pits dug for percolation tests have been performed per the requirements set forth by the New Hampshire Water Supply and Pollution Control Commission.

5.033 The Board, when it deems necessary, may require that said plan contain a certification by a certified soils engineer as to the information therein contained. All fees shall be paid by the subdivider.

5.040 DRIVEWAY ENTRANCE PERMITS

Any one desiring to construct, alter, repair or relocate a driveway in order to obtain access to an existing or proposed street or roadway, shall first apply for and obtain a permit from the Director of Public Works of the Town of Milford, which permit shall provide for the construction alteration, repair or relocation of such driveway in accordance with the following specifications:

1. No construction of any driveway shall be conducted without such permit.
2. No use of such driveway (except of a temporary nature during construction) shall take place until the Public Works Director shall inspect the construction of the driveway and certify that said driveway conforms to the specifications set forth in this regulation.
3. General Specifications:

Design Features:

Maximum width at property line	24 Feet
Minimum tangent between drives	100 Feet
Minimum distance from intersection	100 Feet
**(same side of road)	

Minimum sight distance:

Speed Limit on Roadway	Safe Sight Distance
15 - 25 MPH	200 Feet
26 - 35 MPH	300 Feet
36 - 55 MPH	400 Feet

4. On those parcels located within the Residential “A” Zoning District and utilize municipal sewer and water systems, the following standards shall apply in place of those applicable specifications above:

Minimum tangent between drives	50 feet
Minimum distance from intersection	50 feet
**(same side of road)	

5. In the case of rear lots with private ways to local streets, the above requirements for minimum tangent between drives and maximum frontage in drives shall not apply.
6. Upon any application for a driveway permit, the applicant shall confer with the Public Works Director who shall determine specifications as to stopping, culverts, and other aspects of construction of said driveway as the Public Works Director deems necessary in order to provide for adequate drainage, snow removal, safety, etc. to prevent interference with the proper use of existing access roads. It shall be a requirement of construction that such specifications of the

Director of Public Works be complied with prior to the use of such driveway.

7. Where a driveway slopes towards a Town right-of-way, the driveway grade shall not exceed 10%, unless authorized by the Director of Public Works and the Planning Board. (12/22/87)

5.050 SIGNAGE

The Planning Board shall require a Signage Plan with any new subdivision development intending to use identification signage. The Signage Plan shall contain the following:

1. A detail of the proposed signage to be utilized for the project;
2. The location(s) of the signage;
3. The type of illumination, if any, to be utilized (i.e., internal, downcast, pole lighting, wall mounted).

The Signage Plan should be designed to complement the proposed development in terms of style, color, and materials. Signage that provides attractive, consistent, and coordinated combinations of styles and colors is encouraged. All signage should be designed to identify the location of the development and provide directions through the site, as necessary and appropriate. The Planning Board shall provide input on the Signage Plan to insure the above, however, all signage shall be governed by the Milford Zoning Ordinance. (4/16/02)

5.060 UTILITIES

- A. The location and size of all existing underground and overhead municipal and non-municipal utilities intended to serve the development shall be shown on the final subdivision plan, inclusive of all manholes, transformer poles, and appurtenant structures.
- B. Municipal utilities shall include but not be limited to sanitary sewer, stormwater and drainage, and water supply.
- C. Non-municipal utilities shall include but not be limited to gas, electric, telephone, cable television, sanitary sewer, stormwater and drainage, and water supply. (9/30/03)
- D. All proposed utilities shall underground.
- E. For all subdivisions that require construction and installation of new utilities, or upgrades to existing utilities either within or outside of the limits of the proposed subdivision, a utility clearance statement or letter shall be submitted from each utility provider stating approval of the proposed improvements by the utility provider. This document shall be submitted for the project file prior to the signing of any subdivision or site plan by the Planning Board.
- F. If utilities are proposed to be constructed within a designated scenic road right-of-way,

all applicable Town scenic road requirements must be met.

ARTICLE VI ROADWAY REGULATIONS

6.010 PUBLIC ROADWAYS - GENERAL

6.011 All streets in any future subdivision shall meet minimum standards as shown in the Comprehensive Development Plan and shall become part of the official street map.

6.012 No street shall be recommended for acceptance by the Board of Selectmen until it has been approved by the Planning Board and the engineer in accordance with this Ordinance.

6.013 New streets shall be so laid out as to accommodate the continuation of the principal streets in adjoining subdivisions or for their proper protection when adjoining property is not subdivided.

6.014 The right of way shall be fifty feet (50'). (12/22/87)

6.015 REQUIREMENT FOR ON-SITE INSPECTORS. All applicants who propose to do sewer and water work and/or construction within a Town right-of-way should consult the Town of Milford's Sewer, Water and/or Roadway Construction Specifications to determine if an on-site inspector will be required during construction; the cost of which shall be borne by applicant/developer. (7/9/91)

6.020 STORM WATER DRAINAGE - ROADWAYS

6.021 Proper drainage shall be installed subject to the Storm Water Drainage Plan as approved by the Planning Board and the Director of Public Works. *Any grade greater than 3% shall require either an enclosed drainage system or a drainage way lined with rip rap (3" - 6" minimum depending - on slope and soil type). *12/22/87

6.022 Natural water courses shall be cleaned out and increased in size where necessary to handle storm run-off.

6.023 Drainage ditches at least eighteen inches (18") in depth at midpoint below centerline grade shall be constructed at the street right-of-way on both sides of the roadway and so designed as to provide for proper flow of storm run-off.

6.024 Culvert pipes shall consist of either reinforced concrete or metal, having a minimum size of twenty-four inches (24") of cover to final grade. Culverts in embankments over fifteen feet (15') high shall be of only reinforced concrete pipe of the proper class.

6.030 PREPARATION OF PUBLIC ROADWAYS

6.031 Monuments of granite or concrete six inches (6") on the top and thirty-six inches (36")

long shall be set with six inches (6") exposed above ground at all street corners and angle points in the street line as well as at the ends of all curves. All street lines shall have monuments set at a maximum of five hundred feet (500') apart.

6.032 Sidewalks and curbing shall be constructed as directed by the Board. The expense shall be borne by the developer.

6.033 Driveway culverts shall be installed if required at the direction of the Director of Public Works. This expense shall, be borne by the developer.

6.034 Street signs, culverts and guardrail shall be installed as directed by the Director of Public Works. The expense shall be borne by the developer.

6.035 It shall be the responsibility of the developer planning and constructing a new road to do the following:

- A. Advise the Planning Board and the Director of Public Works of his intent in order to secure approval for the proposed right-of-way.
- B. Request an inspection and approval of the right-of-way after each of the following operations. The inspection shall be made by the Planning Board and/or the Director of Public Works:
 - 1) Clearing and grubbing
 - 2) Installing drainage
 - 3) Course gravel
 - 4) Finish gravel
 - 5) Paving
 - 6) Loam, seeding, guard rails, signs and general cleanup.
- C. The developer shall work from grade stakes set at fifty feet (50') stations along the length of the project. All stakes are to be intact when inspections are made.
- D. Before final inspection the developer shall remove all trash from the right-of-way and repair any drainage to the road or shoulders.

6.040 PUBLIC ROADWAY CONSTRUCTION SPECIFICATIONS

The roadway shall be constructed in accordance with the "Typical Cross Section" on file at the Department of Public Works Office and the following:

6.041 The grade of a road shall not be less than one percent (1%) nor more than six percent (6%) unless specifically approved by the Planning Board.

6.042 Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicle traffic. Curves shall be as follows:

- A. Radii of fifteen feet (15') to twenty-five feet (25') are adequate for passenger vehicles. These may be provided at minor cross streets where there is little occasion for trucks to turn, or at major intersections where there are parking lanes. Where the street has sufficient capacity to retain the curb lane as a parking lane for the foreseeable future, parking should be restricted for appropriate distances from the crossing or as deemed necessary by the Board.
- B. Radii of twenty-five feet (25') or more at minor cross streets should be provided on new construction and on reconstruction where space permits or as deemed necessary by the Board.
- C. Radius of forty (40') feet or more, and preferably three centered compound curves or simple curves with tapers to fit the paths of appropriate design vehicles, should be provided where large truck combinations and buses turn frequently. Larger radius are also desirable where speed reductions would cause problems, or as deemed necessary by the Board.

6.043 Dead-end streets shall not exceed six hundred feet (600') in length and shall be equipped at the closed end with a turn-around having a minimum radius of seventy-five feet (75') from the center of the circle to the right-of-way and with a grade not to exceed 2%.

A dead-end road shall be defined as a road with only one point of access from a road with multiple points of access. The length of such road shall be measured from the point of intersection with a road with multiple points of access. (5/11/04)

6.044 The finished roadway surface shall not be less than twenty-four feet (24') in width and have at least four feet (4') gravel shoulders on each side of the paved section before tapering off at a 4/1 slope to the ditch line. In the embankment areas where ten feet (10') or more of fill is required and a 2/1 slope is used, the shoulder shall extend six feet (6') beyond the edge of the pavement and shall require a guardrail that meets the following specifications.

Wood Posts: wood posts shall be 6"x 8" cross section 5"-11" long and be of seasoned stock, sound and reasonably straight, and shall have been cut from live, growing timber. The ends shall be cut square. Posts with hollow knots, open or plugged holes, or season checks exceeding 1/4 inch in width will be rejected.

Posts shall be one of the following species: ash, beech, birch (except gray), elm, hickory, locust, maple, oak, cedar, red pine, pitch pine, tamarack, yellow pine or douglas fir. The use of other species will be permitted only upon written approval from the Director of Public Works. All bark shall be removed; knots shall be closely trimmed and surface shall be shaved smooth.

All wood posts shall be treated with preservative material conforming to the requirements of

AASHTO M133.

The type of treatment shall be one of the following:

Treatment: Minimum net retention, pounds per cubic foot,

Type A Creosote Oil: 12

Type A Pentachlorophenol: 0.60 (dry salts)

Treated posts, before being removed from the cylinder, shall be subjected to a live steam and vacuum period to remove the accumulation of tarry material from the surface of the wood.

B. Reflective delineators complying with NHDOT Specification Section 621 shall be installed twenty-five feet (25') on center. Delineators shall be firmly attached to the guardrails facing oncoming traffic.

C. Rails and fittings for beam guardrail:

Steel rail elements, terminal sections, bolts, nuts, and other fittings shall conform to AASHTO M 180, Class A. Steel shall be galvanized after fabrication with Type 2 Coating: 3.6 ounces per square foot, minimum single-spot.

Steel rail elements shall be shop punched to allow for 6' 3" post spacing or as required. Where the rail is on a curve having a radius of 150 feet or less, the rail shall be shop curved. The plates at the splice shall make contact throughout the area of the splice. The post bolt and connection shall withstand a 5,000 pound pull in either direction. *12/22/87

6.045 All loam, muck, stumps and other improper road foundation material within the limits of the right-of-way shall be removed. In embankment areas suitable foundation materials shall be placed in one foot (1') layers and compacted to form a stable sub-grade.

6.046 Ledge and boulders shall be removed to a minimum of at least eight inches (8") below sub-grade and replaced with sand or bank run gravel.

6.047 Base course gravel shall consist of a minimum of twelve inches (12") of compacted gravel. It shall be applied in two (2) separate six inch (6") compacted lifts. The base course shall contain no stone measuring larger than six inches (6") in diameter.

6.048 Finish gravel shall consist of six inches (6") of crushed gravel with the following required grading:

Sieve Size	% by Weight Passing
3"	100
2"	95-100
1"	55-85
No. 4	27-52
No. 200	0-12% Passing No. 4

6.049 Pavement shall consist of three inches (3") of hot bituminous concrete. It shall be applied in two (2) courses: a two inch (2") base course and a one inch (1") wearing course. The thickness specified shall be compacted. Pavement shall be applied by an approved paving contractor and in accordance with the State of New Hampshire Standard Specifications for Road and Bridge Construction as approved and adopted in 1969. *The deadline for applying the base course is November 15 and for the wearing course November 1. *12/22/87

6.050 PRIVATE WAYS

Section deleted as Private Ways were disallowed by Town vote in 2001.

ARTICLE VII SPECIAL FLOOD HAZARD AREAS

7.010 PROPOSALS

All proposals for development governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Milford, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the Town of Milford as amended shall meet the provisions of the Floodplain Management Ordinance.

7.020 DEVELOPMENT REVIEW

All development proposals shall be reviewed, to determine whether such proposals will be reasonably safe from flooding. Development review shall assure that the following minimum standards are met.

7.021 The proposal is designed consistent with the provisions set forth in the Town of Milford Floodplain Management Ordinance, and

7.022 All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage, and

7.023 Adequate drainage systems shall be provided to reduce exposure to flood hazards, and

7.024 Base flood elevation (the level of the 100 year flood) data shall be provided for that portion of proposals within the Special Flood Hazard Area.

ARTICLE VIII EROSION AND SEDIMENT CONTROL PLAN

8.010 DEFINITIONS

“Certification” means a signed, written approval by the Planning Board that a soil erosion and sediment control plan complies with the applicable requirements of the regulations.

“Planning Board” means the Planning Board of the Town of Milford.

“County Conservation District” means the Hillsborough County Conservation District (hereafter referred to as: HCCD)

“Development” means any construction or grading activities to improved or unimproved real estate.

“Disturbed Area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Grading” means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.

“Inspection” means the periodic review of sediment and erosion control measures shown on the certified plan.

“Sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

“Soil” means any unconsolidated mineral or organic material of any origin.

“Soil Erosion and Sediment Control. Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

8.020 ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be provided for all site plans and for subdivisions, except those defined as “minor subdivisions” per RSA 676:4, III. Additionally, applicants may request the Planning Board to waive this requirement upon recommendation of the HCCD.

8.030 EXEMPTIONS

A single family dwelling that is riot a part of a subdivision of land shall be exempt from these soil, erosion and sediment control regulations.

8.040 EROSION AND SEDIMENT CONTROL PLAN

A. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of excessive storm water runoff from the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire 1987), as amended. Alternative principles, methods and practices may be used with prior approval of the Planning Board.

B. Said plan shall contain, but not be limited to:

1. A narrative describing:
 - a. The development.
 - b. The schedule for grading and construction activities including
 - 1) Start and completion dates;
 - 2) Sequence of grading and construction activities;
 - 3) Sequence for installation and/or application of soil erosion and sediment control measures;
 - 4) Sequence for final stabilization of the project site.
 - c. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.

- d. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 - e. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
 - f. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
2. A site plan map at a sufficient scale to clearly show:
- a. The location of the proposed development and adjacent properties;
 - b. The existing and proposed final topography including soil types, wetlands, watercourses and water bodies;
 - b. The existing structures on the project site, if any;
 - d. The proposed area alterations including, cleared, excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines and the general location of proposed structures and driveways;
 - e. The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities;
 - f. The sequence of grading and construction activities;
 - g. The sequence for installation and/or application of soil erosion and sediment control measures;
 - h. The sequence for final stabilization of the development site.
3. Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.

8.050 MINIMUM ACCEPTABLE STANDARDS

Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the planning considerations in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1987)", as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and

sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off site erosion and/or sedimentation.

The minimum standards for individual measures are those in the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1987)” as amended. The Planning Board may grant exceptions when requested by the applicant if technically sound reasons are presented.

The Soil Conservation Service method as outlined from Appendix 1 of the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire (1987), as amended, shall be used in determining peak flow rates and volumes of run off unless an alternative method is approved by the Planning Board.

8.060 ISSUANCE OF DENIAL OF CERTIFICATION

The Planning Board shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

Prior to certification, any plan submitted to the municipality may be reviewed by Hillsborough County Conservation District, which may make recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

The Planning Board may forward a copy of the development proposal to the Conservation Commission, other review agency or consultant for review and comment.

8.070 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Planning Board.

Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

8.080 INSPECTION

Inspections shall be made by the Planning Board or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Planning Board may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. (12/22/87)

ARTICLE IX HIGH INTENSITY SOILS MAPPING

9.010 HIGH INTENSITY SOIL MAPS

9.011 High intensity soils maps are to be provided for major site plans and major subdivision plans on those occasions deemed necessary by the Board due to wetland, septic or drainage considerations.

9.012 The High Intensity Soils map shall be prepared by a qualified soil scientist who is qualified by the Hillsborough County Conservation District.

9.013 A qualified soil scientist shall be considered as a person whose education and experience meet the qualification requirements of the Hillsborough County Conservation District or the Rockingham County Conservation District.

9.014 A High Intensity Soils Map shall be drawn at a scale of one inch (1") not to exceed one hundred feet (100'), where soils are identified and mapped in accordance to high intensity soils mapping standards as adopted by the Hillsborough County Conservation District.

9.015 A paper copy of the HISS survey shall be provided to the Planning Board. In addition to the soils information provided by the survey, the map shall have on it the following:

A. The signature of the qualified soils scientist.

B. Any qualifying notes made by the soils scientist.

9.016 If a soils classification provided on the High Intensity Soils map is in dispute, the Planning Board may request an evaluation of the soil designations by the Hillsborough County Conservation District.

9.020 GROUND CONTROL

Ground control shall be marked, by the applicant, both on the site and on the plan map(s). The ground control shall consist of numbered flags, stakes, walls, trees or other easily identifiable points on the property. These points will be well distributed throughout the site at a density of not less than four (4) points per acre. The numbered points must be identified, by number, on the plan.

****The purpose of this requirement is to provide easy identification for all parties required or interested in examining the site.****

All wetland areas, prior to tree cutting and clearing, shall be staked and flagged twenty-five feet (25') from the wetland boundary. These stakes shall be a minimum of fifty feet (50') apart for straight boundaries and twenty-five feet (25') apart for curved boundaries. (12/22/87)

ARTICLE X SOIL BASED SUBDIVISION REQUIREMENTS

ON-SITE SEPTIC AND LEACH FIELD SYSTEMS

This regulation applies to subdivisions on which an on-site septic tank and leach field system are to be used for sewerage disposal, and/or wetland identification is required.

In addition to any other Town and State sewage disposal requirements for local subdivision and site plan reviews, or wetland zoning compliance, the following regulations shall apply:

10.011 DEFINITIONS

- A. Qualified Soil Scientist - a person qualified in soil evaluation and mapping whose education and experience meet the qualification requirements of the State. of New Hampshire.
- B. High Intensity Soils Map - a soils map of a parcel of land being considered for development on a perimeter survey, with a scale of one inch (1") not to exceed one hundred (100') feet, where soils are identified and mapped in accordance with the high intensity soils mapping standards as adopted by the Hillsborough County Conservation District. (HCCD)

10.012 Ground Control shall be marked, by the applicant, both on the site and on the plot map (s). The ground control shall consist of numbered flags, stakes, walls, trees or other easily identifiable points on the property. These points will be well distributed throughout the site at

a density of riot less than two (2) points per acre. The numbered points must be identified by number on the plat plan. The purpose of this requirement is to provide easy identification for all, parties required or interested in examining the site. Flags shall remain for the duration of the project.

10.013 The location of all existing and proposed buildings, accessory buildings, driveways, sewer lines, water lines and public and private roads and driveways on the site, and the general location of such features within 100' of its boundaries, shall be indicated on the plot plan.

10.014 High Intensity Soils Survey (HISS) maps are to be provided for all subdivisions. Additionally, applicants may request the Planning Board to waive this requirement upon recommendation of the HCCD. (Applicants request waiver of Planning Board, Planning Board requests recommendation of HCCD, Planning Board acts upon recommendation).

10.015 The HISS maps shall be prepared by a qualified soils scientist who is qualified by the Hillsborough County Conservation District.

10.016 A paper copy of the HISS map shall be provided to the Planning Board. In addition to the soils information provided by the survey, the map shall have on it the following:

- A. The signature of the qualified soils scientist;
- B. Any qualifying notes made by the soils scientist.

10.017 If a soils classification provided on the HISS map is in dispute, the Planning Board may request an evaluation of the soils designations by the Hillsborough County Conservation District.

10.018 A 4,000 square foot designated leach field area or an area two (2) times the required leach field area (whichever is greater) shall be designated and reserved on each lot.

10.019 The designated Leach field must be left open and is not to be used for ~the siting of any incompatible purpose, including but not limited to a driveway, or structures of any type. Parking areas may be located over the designated leach field area when chambered systems are to be used.

10.020 The designated leach field area shall be set back as required in Section 10.021 from:

- A. Poorly and very poorly drained soils;
- B. Naturally deposited soils which have a seasonal high water table less than six (6") inches from the surface;
- C. Naturally deposited soils which have an impermeable layer closer than two (2') feet to the surface;

- D. Naturally deposited soils which have bedrock less than-three (3') feet below the surface;
- E. Drainage ways, natural or manmade, perennial or intermittent;
- F. Open drainage structures intended to convey water, intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions and swales.

10.021 The designated leach field area is required to be set back from all of the areas specified in Section 10.020 as follows:

- A. Seventy-five (75') if the designated leach field area is entirely located in well drained soil, without a restrictive layer, or well drained soil with a restrictive layer and slopes of less than eight (8%) percent.
- B. One hundred (100') feet if the designated leach field area is entirely or partially located in somewhat poorly drained soils, moderately well drained soils, excessively drained soils, or soils with a restrictive layer and slope of eight (8%) percent or greater (>8%). If the soil classification is indeterminable, then the set back shall be 100' unless further investigation indicates it should be otherwise.

10.022 In addition, the designated leach field area shall be set back one hundred (100') feet from open water bodies and perennial streams.

10.023 In areas where the HISS survey indicates bedrock at less than three feet (3') from the surface, sufficient tests shall be made to insure that the set back requirements established in Sections 10.020 and 10.021 can be met.

10.024 The designated leach field area may not be placed on areas with finished slopes of over twenty-five (25%) percent.

10.025 If the designated leach field area is located on an area with finished slopes from fifteen to twenty-five (15-25%) percent, the septic system must be designed by a registered professional engineer.

ARTICLE XI DEFINITIONS

For the purpose of these Regulations, the word "shall" is mandatory, the word "may" is permissive, and the following terms shall have the following meanings:

ABUTTER: Any person whose property adjoins or is directly across the street or stream from the land under consideration. For the purposes of receiving testimony only, and riot for purposes of notification, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and of a nature

incidental and subordinate to, the principal use or structure.

ACTIVE & SUBSTANTIAL DEVELOPMENT: Active and substantial development shall mean construction of permanent physical appurtenances to the site, such as, but not limited to, footings, streets, and water and sewer lines.

ALLEY: Alley is a strip of land dedicated for public use, located at the side or rear of lots, providing secondary access to abutting property, and riot meeting required right-of-way and paved surface widths as provided herein.

BLOCK: Block is a parcel of land within a subdivision or development that is bounded by streets or bounded by streets and the exterior boundary of the subdivision. For this definition an alley is not considered a street but part of a block.

BLOCK LENGTH: Block length is the distance between intersections of through streets, such distance being measured parallel to the longest street bounding the block and from right-of-way to right-of-way line of two intersecting streets.

BUILDING: Any structure having a roof supported by columns or walls.

CORNER LOT: Corner lot is a lot situated at the intersection of two (2) streets or on a curved street on which the interior angle of such intersection or curved street does not exceed 135 degrees.

DWELLING UNIT: One room or rooms connected together, constituting a separate, independent housekeeping establishment physically separated from any other dwelling units in the same structure, and containing independent cooking and sleeping facilities.

DWELLING, SINGLE FAMILY: A detached residential dwelling unit, other than a mobile home, designed for one family only.

DWELLING, TWO FAMILY. A structure which contains two separate dwelling units, each provided with complete and independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation as well as independent access and egress to and from each living unit.

DWELLING, MULTIPLE-FAMILY: A residential building designed for occupancy by three or more families.

ENGINEER: Engineer means the duly designated engineer of the Town of Milford, or if there is no such official, the planning consultant or official assigned by the Milford Planning Board.

FAMILY: One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

HOME OCCUPATION: Any use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display or storage, no emission of dust, noise, fumes, vibration or smoke beyond the lot line.

LOT: Lot is a parcel of land or any combination of several lots or record, created by subdivision to fulfill the minimum lot size requirements for building as provided in the Milford Zoning Ordinance.

LOT FRONTAGE: The portion of a lot that coincides with a principal route of access as defined herein (1985)

LOT OF RECORD: Lot of record is a designated fractional part of a subdivision of a block according to a specific recorded plat or survey, the map of which has been officially approved by the Planning Board and recorded in the office of the County Register of Deeds. A lot of record shall include any parcel of land described by separate and distinct description existing in the Hillsborough County Registry of Deeds at the time of passage of Milford Zoning Ordinance.

MINIMUM BUILDING SETBACK LINE: Minimum building setback line is a line parallel to the front, side and/or rear lot line and set back from the lot lines a sufficient distance, as specified in the Milford Zoning Ordinance, to provide the required minimum yard space.

MOBILE HOME: The term “mobile home” as used in this Ordinance shall refer only to transportable single-family dwelling units, without a permanent -foundation but suitable for year-round habitation and equipped with the means to connect to water, sanitary and electric facilities. It shall not include similarly prefabricated modular or unitized dwellings placed on permanent foundations, nor shall it refer to travel trailers, campers or similar units designed for recreation or other short term uses.

MOBILE HOME PARK: A parcel of land upon which two (2) or more mobile homes are, or are intended to be, placed and occupied as dwellings.

PARKING SPACE: An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of the necessary internal and access driveways and passageways.

PRINCIPAL ROUTE OF ACCESS: Principal route of access within the meaning of this

Ordinance shall be deemed to consist of any public way which the Town has a duty to maintain. (1985)

PRIVATE WAY: A street, driveway or highway which the Town has no duty to maintain which provides access to no more than two (2) building lots but not including any Class VI highway as defined by NHRSA. (1985)

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, trustee, receiver, assignee, or other similar representative thereof.

RECREATIONAL VEHICLE: A temporary dwelling for travel, recreation, and vacation use including but not limited to camping, trailer, travel trailer, pick-up coach to be mounted on a truck chassis or a self-propelled motor home.

RESERVE STRIP: Reserve strip shall mean and include any area for which future public use is intended for street connections, pedestrian ways, utility, drainage, etc.

ROAD: Includes all range roads, town, state, and federal highways and streets, and the land on either side of same as covered by statutes to determine the widths of the rights-of-way.

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including, any flag.

STREETS: Streets are any public vehicular ways, except alleys
All streets shall be within dedicated rights- of-way, which have been properly processed, approved and recorded.

The following shall be used to classify all streets:

ARTERIAL STREETS: Public thoroughfares which serve the major movements of traffic within and through the community.

COLLECTOR STREETS: Public thoroughfares which serve to collect and distribute traffic primarily from local streets to Arterial Streets.

LOCAL STREETS: Facilities which are designed to be used primarily for direct access to abutting properties and leading into the Collector Street system.

FRONTAGE ROAD OR SERVICE ROAD: A street adjacent to an Arterial Street and separated there from by a dividing strip and providing ingress and egress from abutting property.

CUL-DE-SAC: A street having an outlet at one end only and having the other end

permanently closed with facilities permitting vehicles to turn around.

STRUCTURE: That which is built or constructed to support or shelter any use or shelter.

STRUCTURE NONCONFORMING: A structure which is lawfully maintained at the time this Ordinance became effective and which does not conform with the regulations of the District in which it is located.

SUBDIVIDER: Subdivider is the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

SUBDIVISION: Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, site, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under NH RSA 674.

USE, NONCONFORMING: A use which is lawfully occupied or used as a structure or lot at the time this Ordinance became effective and which does not conform with the use regulations of the District in which it is located.

WETLAND: Land which the National Cooperative Soil Survey has determined to consist of poorly drained or very poorly drained soils.

YARD: A required open space parallel to the lot lines which is open to the sky and unoccupied and unobstructed by a building or buildings.

YARD, FRONT: A yard between the building and front lot line, extending the full width of the lot, or in case of a corner lot, extending along all streets.

YARD, REAR: A yard extending between side lot lines across the rear of the lot.

YARD, SIDE: A yard extending from the rear line of the required front yard to the front line of the required rear yard.

SUBMISSION REQUIREMENTS - MINOR PROPOSAL

LOT LINE ADJUSTMENT / MINOR SUBDIVISION

A subdivision proposal shall not constitute the creation of more than two new lots in addition to an existing lot from which the subdivision is created. This mechanism also applies to the exchange or transfer of land between existing, adjacent lots (lot line adjustment).

MINOR DEVELOPMENT CHECKLIST

Development review checklist of submission items necessary to constitute a completed application sufficient to invoke jurisdiction to obtain Minor Plan acceptance and approval:

The Board may require additional information as deemed necessary in certain situations and is not limited to only those submission requirements listed in the checklist. Additionally, the Board may require a major subdivision plan be prepared should the proposal significantly impact the concerns herein contained.

When all items on this checklist have been received (or waived) this will constitute a completed application to allow the Board to make an informed decision.

APPENDIX 1

SUBMISSION REQUIREMENT - MINOR DEVELOPMENT CHECKLIST

1. Name, address and signature of applicant and owner(s) of record
2. Name and address of the plan's preparer
3. Current zoning classification of property and district boundaries
4. Property boundary lines and distances of such
5. North arrow, scale and date
6. Names and addresses of all current abutters
7. The location of all required building setbacks
8. The lot area and street frontage and the zoning requirements for each.
9. Sketch (locus) map
10. Copies of all existing or proposed deed restrictions, covenants or rights-of-way, etc.
11. All existing buildings, parking and driveways (indicate traffic flow).
12. The proposed addition
13. All existing services such as sewer and water
14. Location, size and character of all signs and exterior lighting
15. Provisions for storage and removal of rubbish
16. Fireward Approval
17. Driveway Entrance Permit
18. Parking requirements (include handicapped spaces)
19. Intent to cut
20. State Subdivision approval
21. Soil Based Subdivision Requirements

ADDITIONAL REQUIREMENTS - LOT LINE ADJUSTMENTS/MINOR SUBDIVISIONS

22. All block and Lots numbered
23. Certification and Seal by a duly registered and licensed civil engineer and land surveyor.

FIVE COPIES OF PLAN ARE REQUIRED

APPENDIX 2

SUBMISSION REQUIREMENTS - MAJOR DEVELOPMENT CHECKLIST

SUBDIVISION REVIEW

Development review checklist of submission items necessary to constitute a completed application sufficient to invoke jurisdiction to obtain a Major Plan acceptance and approval:

When all items on this checklist have been received or (waived) this will constitute a completed application to allow the Board to make an informed decision. Applicants WILL NOT be placed on the Agenda until the checklist *is* complete.

INFORMATION REQUIRED FOR ALL MAJOR PROPOSALS

1. Name, address and signature of applicant and owner(s) of record.
2. Name and address of the plan's preparer.
3. Current zoning classification of property and district boundaries.
4. Property boundary lines and distances of such.
5. North arrow, scale and date.
6. Names and addresses of all current abutters.
7. The location of all required building set-backs.
8. The lot area and street frontage and the zoning requirements for each.
9. Sketch (locus) map.
10. Exact lay out of existing and proposed project.

11. Driveways and flow of traffic.
12. Parking requirements (including handicapped spaces).
13. Contour map.
14. Flood hazard information.
15. Aquifer protection information.
16. Location of survey monuments.
17. All blocks and lots numbered.
18. Certification and Seal by a duly registered and licensed civil engineer and land surveyor.
19. Indicate wetland areas.

ADDITIONAL REQUIREMENTS

The following, additional, items may be required by the Planning Board as a result of the review process. Some items will be necessary because of the type of proposal. All items must either be submitted to the Planning Board or waived prior to formal approval.

1. Town review of engineering plans (may include review of surveyor accuracy).
2. Copies of all existing or proposed deed restrictions, covenants or rights-of-way, etc.
3. State of NH Site Specific Approval.
4. State of NH Dredge and Fill Permit.
5. Copies of all other pertinent State permits/approvals.
6. NHWSPCC Approval and all data for approval.
7. Soils Overlay/High Intensity Soil Survey.
- 7a. Soil Based Subdivision Requirements.
8. Sediment and erosion control plans complete.
9. SCS review of sediment erosion control plan

10. Storm water drainage plans - complete.
11. Town review of storm water drainage.
12. Street design to Town specifications.
13. Town engineer review of street design.
14. Traffic Study.
15. Town review of traffic study.
16. Fireward approval (structure, fire pond, cul-de-sacs)
17. Driveway entrance permit.
18. All existing services such as sewer, water and observation manholes.
19. Provisions for storage and removal of rubbish
20. Location, size and character of all signs and exterior lighting.
21. Landscaping plan.
22. Letter of intent or easement from public utility.
23. Intent to cut.